


Please type a plus sign (+) inside this box → **TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/933,115
Filing Date	August 20, 2001
First Named Inventor	Fisher
Group Art Unit	1635
Examiner Name	Angell, Jon E.
Attorney Docket Number	34466(070050.1618)

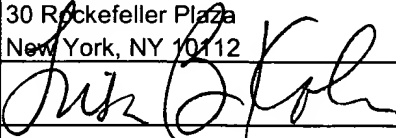
Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment / Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
1) Supplemental IDS-Volume 1 of 1, 2) PTO Form 1449 (1 pg), Petition accompanying supp. IDS after final (2 pgs), 4) Return postcard. |
|---|---|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Lisa B. Kole PTO Reg: 35,225
Date	November 16, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: November 16, 2004

Typed or printed name	Lisa B. Kole
Signature	
Date	November 16, 2004

BAKER BOTTS LLP



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180

Complete if Known

Application Number	09/933,115
Filing Date	August 20, 2001
First Named Inventor	Fisher
Examiner Name	Angell, Jon E.
Art Unit	1635
Attorney Docket No.	34466(070050.1618)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee required under 37CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		=	0	X		=	0
Independent Claims		=	0	X		=	0
Multiple Dependent		=		X		=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180

SUBMITTED BY

Name (Print/Type)

Lisa B. Kole

Registration No.
(Attorney/Agent)

35,225

(Complete if applicable)

Telephone 212 408 2500

Signature

Date

November 16, 2004



34466 (070050.1618)

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fisher
Serial No. : 09/933,115 Examiner: Angell, Jon E
Filed : August 20, 2001 Group Art Unit: 1635
For : COMBINATORIAL METHODS FOR INDUCING CANCER
CELL DEATH

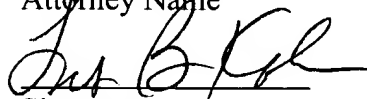
PETITION ACCOMPANYING SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT AFTER FINAL OFFICE ACTION

I hereby certify that this paper is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

November 16, 2004

Date

Lisa B. Kole
Attorney Name


Signature

35,225

PTO Reg. No

November 16, 2004

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97 and 1.98, applicants respectfully request that the
documents listed in the accompanying Supplemental Information Disclosure Statement
and PTO form 1449 be considered by the Examiner and made of record in the above-
referenced application. Each item of information contained in the Supplemental
Information Disclosure Statement and PTO form 1449 was first cited in an International

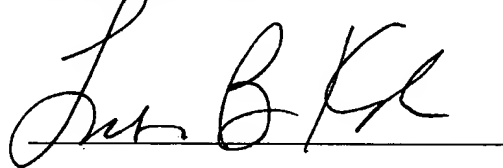
Search Report mailed on August 30, 2004, for International Patent Application No. PCT/US2003/028512, by Fisher et al., Titled: MDA-7 and free radicals in the treatment of cancer, International Publication No. WO 2004/060269, filed on September 9, 2003.

Therefore, pursuant to 37 C.F.R. § 1.97 (e) (1) each item of the Supplemental Information Disclosure Statement and PTO form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three month prior to the filing of the accompanying Supplemental Information Disclosure Statement and PTO form 1449. Copies of the listed documents are enclosed together with the appropriate filing fee.

Applicants do not believe that any additional fee is due in connection with the submission of this paper. However, if any fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377. Duplicate copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS LLP

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', is written over a horizontal line.

Lisa B. Kole
Patent Office Reg. No. 35,225
Attorney for Applicants

30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
212-408-2500



34466 (070050.1618)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fisher
Serial No. : 09/933,115 Examiner: Angell, Jon E
Filed : August 20, 2001 Group Art Unit: 1635
For : COMBINATORIAL METHODS FOR INDUCING CANCER
CELL DEATH

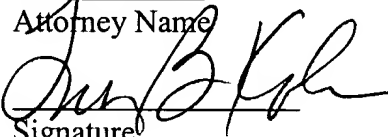
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

November 16, 2004
Date

Lisa B. Kole
Attorney Name

35,225
PTO Reg. No


Signature

November 16, 2004
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants respectfully request that the
documents listed below and on the accompanying PTO 1449 be considered by the
Examiner and made of record in the above-referenced application. Copies of the listed
documents are enclosed together with the appropriate filing fee.

11/24/2004 HVUONG1 00000079 09933115

01 FC:1806

180.00 OP

1. International Search Report for International Patent Application No. PCT/US2003/028512, by Fisher et al., MDA-7 and free radicals in the treatment of cancer. Filed on September 9, 2003. International Publication No. WO 2004/060269 published on July 22, 2004.
2. International Patent Application No. PCT/US01/47215, by Chada et al , Methods of treatment involving human MDA-7. Filed on December 12, 2000. International Publication No. WO 02/45737, published on June 13, 2002.
3. International Patent Application No. PCT/US00/19392, by Chada et al, Methods of treatment of hyperproliferative diseases using human MDA-7. Filed on July 13, 2000. International Publication No. WO 01/05437, published on January 25, 2001.
4. Advani SJ, Chmura SJ, Weichselbaum RR., Radiogenetic therapy: on the interaction of viral therapy and ionizing radiation for improving local control of tumors. Semin Oncol. 1997 Dec;24(6):633-638.

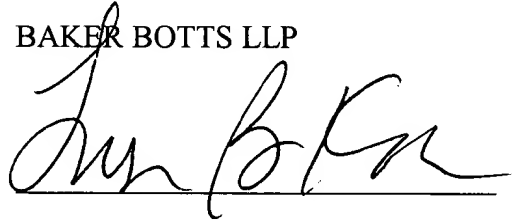
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicants do not believe that any additional fee is due in connection with the submission of this paper. However, if any fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377. Duplicate copies of this sheet are enclosed.

Respectfully submitted,

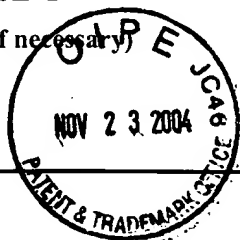
BAKER BOTTS LLP

A handwritten signature in black ink, appearing to read 'Lisa B. Kole', written over a horizontal line.

Lisa B. Kole
Patent Office Reg. No. 35,225
Attorney for Applicants

30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
212-408-2500

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Atty. Docket No. A34466(070050.1618)	Serial No. 09/933,115
	Applicant Fisher	
	Filing Date August 10, 2001	Group 1635
	Examiner Angell, Jon E	



U.S. PATENT DOCUMENTS														
*Exam. Init.	No.		Document No.							Date	Name	Class	Subclass	Filing Date if Appro.

FOREIGN PATENT DOCUMENTS									
	No.								
	2								
	3								

		No.	OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
	1		International Search Report for International Patent Application No. PCT/US2003/028512, by Fisher et al., MDA-7 and free radicals in the treatment of cancer. Filed on September 9, 2003. International Publication No. WO 2004/060269 published on July 22, 2004.

	4.	Advani SJ, Chmura SJ, Weichselbaum RR., Radiogenetic therapy: on the interaction of viral therapy and ionizing radiation for improving local control of tumors. Semin Oncol. 1997 Dec;24(6):633-638.
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NY02:503744
Examiner
Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Atty. Docket No. A34466(070050.1618)	Serial No. 09/933,115
	Applicant Fisher	
	Filing Date August 10, 2001	Group 1635
	Examiner Angell, Jon E	



U.S. PATENT DOCUMENTS													
*Exam. Init.	No.		Document No.						Date	Name	Class	Subclass	Filing Date if Appro.

FOREIGN PATENT DOCUMENTS								
	No.		Document No.	Date	Country	Class	Subclass	<u>Translation</u> Yes No
	2		WO 02/45737	July 22, 2004	WO			
	3		WO 01/05437	January 25, 2001	WO			

	No.	OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
	1	International Search Report for International Patent Application No. PCT/US2003/028512, by Fisher et al., MDA-7 and free radicals in the treatment of cancer. Filed on September 9, 2003. International Publication No. WO 2004/060269 published on July 22, 2004.

	4.	Advani SJ, Chmura SJ, Weichselbaum RR., Radiogenetic therapy: on the interaction of viral therapy and ionizing radiation for improving local control of tumors. Semin Oncol. 1997 Dec;24(6):633-638.
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NY02:503744
Examiner _____ Date Considered _____

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

BAKER BOTTS LLP

Attorney Docket Number: 34466(070050.1618)

Title: Combinatorial methods for inducing cancer cell death



Use Space Below for Additional Information: